

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HANOVER INSURANCE COMPANY,
Plaintiff,
v.
MASON MCDUFFIE REAL ESTATE,
INC., et al.,
Defendants.

Case No. 16-cv-01114-JST

ORDER RE ADR PROCESS

On March 15, 2016, the Court issued an Order Setting Initial Case Management Conference and ADR Deadlines. ECF No. 12. That order required the parties to, *inter alia*, “file either [a] Stipulation to ADR Process or Notice of Need for ADR Phone Conference” by May 17, 2016. *Id.* at 2. The parties have not complied with this deadline.

By separate order, the Court set a Case Management Conference on June 22, 2016 at 2:00 p.m. ECF No. 34. In the Joint Case Management Statement filed in anticipation of that conference, the parties stated,

Because of the nature of this dispute, the parties do not anticipate settlement of this action and do not believe that ADR will be effective at this time. Nonetheless, in compliance with local rules, the parties have agreed to submit to a settlement conference with a magistrate in this matter.

ECF No. 36 at 6.

The parties cannot simply “agree” to participate in a settlement conference with a Magistrate Judge. ADR Local Rule 3-5(c)(2) provides,

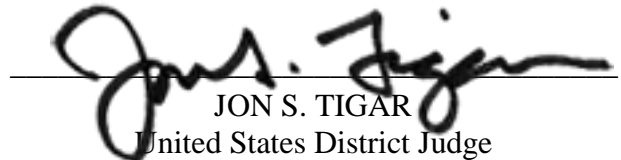
If the parties are unable to agree on an ADR process, or if the parties believe that a settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, they must file a “Notice of Need for ADR Phone Conference.”

1 The parties have not filed such a notice.

2 The Case Management Conference scheduled for June 22, 2016 is continued to August 17,
3 2016 at 2:00 p.m. An updated Joint Case Management Statement is due by August 8, 2016. The
4 parties are ordered to file either a Stipulation to ADR Process or Notice of Need for ADR Phone
5 Conference by June 28, 2016. They are also ordered to familiarize themselves with the Court's
6 local rules.

7 IT IS SO ORDERED.

8 Dated: June 21, 2016

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10 JON S. TIGAR
11 United States District Judge

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United States District Court
Northern District of California